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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,154	02/03/2006	Emil Giza	Q93024	4574
23373 7590 05/14/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER FISCHER, JUSTIN R	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 05/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/567,154

**Applicant(s)**

GIZA, EMIL

**Examiner**

Justin R. Fischer

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)  
Paper No(s)/Mail Date 020306.021508
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Giza (WO 02/094962, of record). It is initially noted that US 7,329,693 will be relied upon in the rejection below (English equivalent of WO '962).

Giza teaches a method of spraying an adhesive composition on a twisted cord (Column 8, Lines 50+).

As to claim 4, the adhesive composition of Giza appears to be identical to that of the claimed invention (components A-D) and as such, one of ordinary skill in the art at the time of the invention would have expected the adhesive of Giza to demonstrate the claimed viscosity.

Regarding claim 5, the adhesive of Giza includes a conjugated diene polymer having a weight average molecular weight of 500-100,000 and an electron pair donating basic compound (Column 3, Lines 30-35).

With respect to claim 6, said electron pair donating basic compound is included at a loading between 0.2 and 50 phr (Column 6, Lines 8-10).

As to claim 7, Giza teaches the claimed relationship (Column 5, Lines 30-50).

Regarding claim 8, the limitations compare the sulfur count quantity in the adhesive layer and the adhered rubber- such language does not further define the method of forming a cord having an adhesive thereon (makeup of adhered rubber is independent of the claimed method directed to forming an adhesive coated cord).

With respect to claim 9, the adhesive composition of Giza includes each of the claimed components (Column 2, Lines 56+).

As to claims 10, 11, 23, and 24, the conjugated diene can include a terminal group, such as acryloyl or methacryloyl (Column 4, Lines 5-14).

Regarding claims 12-18, the electron pair donating basic compound of Giza can be compounds containing a nitrogen atom having a lone pair of compounds capable of producing compounds having a lone pair by thermal decomposition (Column 4, Line 35-Column 5, Line 21).

With respect to claims 19, 20, and 25, the adhesive of Giza includes component C at a loading between 30 and 80 phr (Column 6, Lines 15+).

As to claims 21 and 26, Giza suggests the inclusion of at least on additive, such as epoxy compounds, inorganic fillers, and high molecular weight fillers (Column 7, Lines 43-47).

Regarding claim 22, components E and F are analogous to components C and D of Giza.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giza as applied in the previous paragraph and further in view of Rubber Engineering (SU 418341) and/or Rubber Engineering (SU 234659) and/or Suzuki (JP 9-302592) and/or Ajiro (JP 56-167432). As detailed above, Giza discloses a method of spraying an adhesive on a twisted tire cord. While the reference fails to expressly suggest a step of removing excess adhesive, such a technique is extremely well known, as shown for example by Rubber Engineering '341, Rubber Engineering '659, Suzuki, and Ajiro. In particular, the reference evidence the known use of blow nozzles to remove excess adhesive or coating on a tire cord and applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed method.
5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giza. As detailed above, Giza teaches a method of spraying an adhesive on a twisted tire cord. While the reference fails to expressly describe using a pump, it is extremely well known to feed adhesive material to a sprayer via a pump (well known means of transporting adhesive material from reservoir through feed line).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin R. Fischer whose telephone number is (571) 272-1215. The examiner can normally be reached on M-F (7:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer  
/Justin R Fischer/  
Primary Examiner, Art Unit 1791